

REMARKS

Claims 1-5 and 7-47 were pending in the present application prior to this communication. By virtue of this response, claims 1-5, 7-14, 18-19, and 26-47 have been cancelled. New claims 48-74 have been added. Upon entry of this amendment, claims 15-17, 20-25, and 48-74 are pending.

Newly Added Dependent Claims

New claims 48-74, which directly or indirectly depend from claim 16, which in turn depends from claim 15, further recite the specific pharmacologically active agent(s) which was in the Markush group of claim 16.¹ New claims 55, 57, 59-67, which directly or indirectly depend from claim 25, which in turn depends from claim 15, further recite specific pharmaceutically active agent(s). Support for these claims can be found, for example, in claim 16 and page 10, line 12 to page 12, line 9 of the instant specification. New claim 54, which depends from claim 17, which in turn depends from claim 15, further recites specific routes of administration. New claims 56, 58 and 68, which depend from claim 25, which in turn depends from claim 15, further recite specific routes of administration. Support for these claims can be found, for example, in claim 17 and page 5, lines 14 to 21 of the instant specification. New claims 69-71, which directly or indirectly depend from claim 15, further recite that the pharmacologically active agent is encapsulated in a colloidal dispersion system. New claims 72-74, which directly or indirectly depend from claim 25, which in turn depends from claim 15, further recite that the pharmacologically active agent is encapsulated in a colloidal dispersion system. Support for these claims can be found, for example, on page 6, lines 15-22 and page 16, lines 15-18 of the instant specification.

With respect to claim amendments and cancellation, Applicants have not dedicated or abandoned any unclaimed subject matter and moreover have not acquiesced to any rejections

¹ Claims 51, 52, 65 and 66 further recite that the neoplastic is a taxane or its derivative or a paclitaxel or its derivative.

and/or objections made by the Patent Office. Applicants expressly reserve the right to pursue prosecution of any presently excluded subject matter or claim embodiments in one or more future continuation and/or divisional application(s).

Allowed Subject Matter

Applicants acknowledge with appreciation that claims 15-17 and 20-25 are allowed. All other previously pending claims have been cancelled.

New dependent claims 48-74 have been added. The newly added dependent claims, which depend from allowed claims 15 and 16, further recite specific pharmacologically active agent(s) (claims 48-53, 55-57, 59-67); route(s) of administration (claims 54, 58 and 68); or that the pharmacologically active agent be encapsulated in a colloidal dispersion system (claims 69-74).

Rejection Under 35 U.S.C. § 112, First Paragraph

Claim 8 is rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. Claims 1-5, 7-14, 18-19, and 26-47 are rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the enablement requirement.

Applicants respectfully traverse the rejections. However, solely to expedite prosecution, claims 1-5, 7-14, 18-19, and 26-47 have been cancelled, thereby obviating the rejections.

Rejection Under 35 U.S.C. § 112, Second Paragraph

Claims 1-5, 7-10, 13-14, 18-19, 37-42, and 46-47 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Applicants respectfully traverse the rejection. However, solely to expedite prosecution, claims 1-5, 7-10, 13-14, 18-19, 37-42, and 46-47 have been cancelled, thereby obviating the rejection.

CONCLUSION

In view of the above amendments and remarks, prompt and favorable action on all claims is respectfully requested. In the event any issues remain to be resolved in view of this communication, the Examiner is invited to contact the undersigned at the telephone number given below so that a prompt disposition of this application can be achieved.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 420052000200. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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